

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1237

Chapter 267, Laws of 2018

(partial veto)

65th Legislature
2018 Regular Session

COMMUNITY AND TECHNICAL COLLEGES--ACADEMIC EMPLOYEE COMPENSATION

EFFECTIVE DATE: June 7, 2018

Passed by the House March 5, 2018
Yeas 57 Nays 41

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 27 Nays 21

CYRUS HABIB

President of the Senate

Approved March 27, 2018 2:17 PM with
the exception of Section 1, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1237** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2018

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1237

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey, and Stanford

Read first time 01/13/17. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to modifying collective bargaining law to
2 authorize providing additional compensation to academic employees at
3 community and technical colleges; amending RCW 28B.52.035 and
4 28B.50.140; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 ****NEW SECTION. Sec. 1. The legislature finds that community and***
7 ***technical colleges provide important access to continuing education,***
8 ***preparation for a university, and workforce training that improve the***
9 ***quality of life and economic vitality of the state. The legislature***
10 ***further finds that a funding gap was created in the 2017-2019***
11 ***biennium between the amount from the state general fund and the***
12 ***amount that was assumed to come from tuition increases. Therefore the***
13 ***legislature intends to fill the gap created in the 2017-2019 biennium***
14 ***and fund salary and benefit increases with sixty-six percent state***
15 ***general fund.***

****Sec. 1 was vetoed. See message at end of chapter.***

16 **Sec. 2.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
17 read as follows:

18 (1) At the conclusion of any negotiation processes as provided
19 for in RCW 28B.52.030, any matter upon which the parties have reached

1 agreement shall be reduced to writing and acted upon in a regular or
2 special meeting of the boards of trustees, and become part of the
3 official proceedings of said board meeting. Except as provided in
4 this section, provisions of written contracts relating to salary
5 increases shall not exceed the amount or percentage established by
6 the legislature in the appropriations act and allocated to the board
7 of trustees by the state board for community and technical colleges.

8 (2) The written agreement acted upon by a board of trustees must
9 be submitted to the director of the office of financial management by
10 October 1 prior to the fiscal year in which the provisions of the
11 agreement go into effect. The length of term of any such agreement
12 shall be for not more than three fiscal years. (~~Any provisions of~~
13 ~~these agreements pertaining to salary increases will not be binding~~
14 ~~upon future actions of the legislature.~~) If any provision of a
15 salary increase is changed by subsequent modification of the
16 appropriations act by the legislature, both parties shall immediately
17 enter into collective bargaining for the sole purpose of arriving at
18 a mutually agreed upon replacement for the modified provision. A
19 board of trustees may provide additional compensation to academic
20 employees that exceeds that provided by the legislature.

21 **Sec. 3.** RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each
22 amended to read as follows:

23 Each board of trustees:

24 (1) Shall operate all existing community and technical colleges
25 in its district;

26 (2) Shall create comprehensive programs of community and
27 technical college education and training and maintain an open-door
28 policy in accordance with the provisions of RCW 28B.50.090(3);

29 (3) Shall employ for a period to be fixed by the board a college
30 president for each community and technical college and, may appoint a
31 president for the district, and fix their duties and compensation,
32 which may include elements other than salary. Compensation under this
33 subsection shall not affect but may supplement retirement, health
34 care, and other benefits that are otherwise applicable to the
35 presidents as state employees. The board shall also employ for a
36 period to be fixed by the board members of the faculty and such other
37 administrative officers and other employees as may be necessary or
38 appropriate and fix their salaries and duties. Except (~~for~~
39 ~~increments provided with local resources during the 2015-2017 fiscal~~

1 biennium)) as provided for academic employees in RCW 28B.52.035 and
2 technical college classified employees under chapter 41.56 RCW,
3 compensation and salary increases under this subsection shall not
4 exceed the amount or percentage established for those purposes in the
5 state appropriations act by the legislature as allocated to the board
6 of trustees by the state board for community and technical colleges.
7 The state board for community and technical colleges shall adopt
8 rules defining the permissible elements of compensation under this
9 subsection;

10 (4) May establish, in accordance with RCW 28B.77.080, new
11 facilities as community needs and interests demand. However, the
12 authority of boards of trustees to purchase or lease major off-campus
13 facilities shall be subject to the approval of the student
14 achievement council pursuant to RCW 28B.77.080;

15 (5) May establish or lease, operate, equip and maintain
16 dormitories, food service facilities, bookstores and other self-
17 supporting facilities connected with the operation of the community
18 and technical college;

19 (6) May, with the approval of the college board, borrow money and
20 issue and sell revenue bonds or other evidences of indebtedness for
21 the construction, reconstruction, erection, equipping with permanent
22 fixtures, demolition and major alteration of buildings or other
23 capital assets, and the acquisition of sites, rights-of-way,
24 easements, improvements or appurtenances, for dormitories, food
25 service facilities, and other self-supporting facilities connected
26 with the operation of the community and technical college in
27 accordance with the provisions of RCW 28B.10.300 through 28B.10.330
28 where applicable;

29 (7) May establish fees and charges for the facilities authorized
30 hereunder, including reasonable rules and regulations for the
31 government thereof, not inconsistent with the rules of the college
32 board; each board of trustees operating a community and technical
33 college may enter into agreements, subject to rules of the college
34 board, with owners of facilities to be used for housing regarding the
35 management, operation, and government of such facilities, and any
36 board entering into such an agreement may:

37 (a) Make rules for the government, management and operation of
38 such housing facilities deemed necessary or advisable; and

39 (b) Employ necessary employees to govern, manage and operate the
40 same;

1 (8) May receive such gifts, grants, conveyances, devises and
2 bequests of real or personal property from private sources, as may be
3 made from time to time, in trust or otherwise, whenever the terms and
4 conditions thereof will aid in carrying out the community and
5 technical college programs as specified by law and the rules of the
6 state college board; sell, lease or exchange, invest or expend the
7 same or the proceeds, rents, profits and income thereof according to
8 the terms and conditions thereof; and adopt rules to govern the
9 receipt and expenditure of the proceeds, rents, profits and income
10 thereof;

11 (9) May establish and maintain night schools whenever in the
12 discretion of the board of trustees it is deemed advisable, and
13 authorize classrooms and other facilities to be used for summer or
14 night schools, or for public meetings and for any other uses
15 consistent with the use of such classrooms or facilities for
16 community and technical college purposes;

17 (10) May make rules for pedestrian and vehicular traffic on
18 property owned, operated, or maintained by the district;

19 (11) Shall prescribe, with the assistance of the faculty, the
20 course of study in the various departments of the community and
21 technical college or colleges under its control, and publish such
22 catalogues and bulletins as may become necessary;

23 (12) May grant to every student, upon graduation or completion of
24 a course of study, a suitable diploma, degree, or certificate under
25 the rules of the state board for community and technical colleges
26 that are appropriate to their mission. The purposes of these
27 diplomas, certificates, and degrees are to lead individuals directly
28 to employment in a specific occupation or prepare individuals for a
29 bachelor's degree or beyond. Technical colleges may only offer
30 transfer degrees that prepare students for bachelor's degrees in
31 professional fields, subject to rules adopted by the college board.
32 In adopting rules, the college board, where possible, shall create
33 consistency between community and technical colleges and may address
34 issues related to tuition and fee rates; tuition waivers; enrollment
35 counting, including the use of credits instead of clock hours; degree
36 granting authority; or any other rules necessary to offer the
37 associate degrees that prepare students for transfer to bachelor's
38 degrees in professional areas. Only colleges under RCW 28B.50.810 or
39 28B.50.825 may award baccalaureate degrees. The board, upon
40 recommendation of the faculty, may also confer honorary associate of

1 arts degrees, or if it is authorized to award baccalaureate degrees
2 may confer honorary bachelor of applied science degrees, upon persons
3 other than graduates of the community college, in recognition of
4 their learning or devotion to education, literature, art, or science.
5 No degree may be conferred in consideration of the payment of money
6 or the donation of any kind of property;

7 (13) Shall enforce the rules prescribed by the state board for
8 community and technical colleges for the government of community and
9 technical colleges, students and teachers, and adopt such rules and
10 perform all other acts not inconsistent with law or rules of the
11 state board for community and technical colleges as the board of
12 trustees may in its discretion deem necessary or appropriate to the
13 administration of college districts: PROVIDED, That such rules shall
14 include, but not be limited to, rules relating to housing,
15 scholarships, conduct at the various community and technical college
16 facilities, and discipline: PROVIDED, FURTHER, That the board of
17 trustees may suspend or expel from community and technical colleges
18 students who refuse to obey any of the duly adopted rules;

19 (14) May, by written order filed in its office, delegate to the
20 president or district president any of the powers and duties vested
21 in or imposed upon it by this chapter. Such delegated powers and
22 duties may be exercised in the name of the district board;

23 (15) May perform such other activities consistent with this
24 chapter and not in conflict with the directives of the college board;

25 (16) Notwithstanding any other provision of law, may offer
26 educational services on a contractual basis other than the tuition
27 and fee basis set forth in chapter 28B.15 RCW for a special fee to
28 private or governmental entities, consistent with rules adopted by
29 the state board for community and technical colleges: PROVIDED, That
30 the whole of such special fee shall go to the college district and be
31 not less than the full instructional costs of such services including
32 any salary increases authorized by the legislature for community and
33 technical college employees during the term of the agreement:
34 PROVIDED FURTHER, That enrollments generated hereunder shall not be
35 counted toward the official enrollment level of the college district
36 for state funding purposes;

37 (17) Notwithstanding any other provision of law, may offer
38 educational services on a contractual basis, charging tuition and
39 fees as set forth in chapter 28B.15 RCW, counting such enrollments
40 for state funding purposes, and may additionally charge a special

1 supplemental fee when necessary to cover the full instructional costs
2 of such services: PROVIDED, That such contracts shall be subject to
3 review by the state board for community and technical colleges and to
4 such rules as the state board may adopt for that purpose in order to
5 assure that the sum of the supplemental fee and the normal state
6 funding shall not exceed the projected total cost of offering the
7 educational service: PROVIDED FURTHER, That enrollments generated by
8 courses offered on the basis of contracts requiring payment of a
9 share of the normal costs of the course will be discounted to the
10 percentage provided by the college;

11 (18) Shall be authorized to pay dues to any association of
12 trustees that may be formed by the various boards of trustees; such
13 association may expend any or all of such funds to submit biennially,
14 or more often if necessary, to the governor and to the legislature,
15 the recommendations of the association regarding changes which would
16 affect the efficiency of such association;

17 (19) May participate in higher education centers and consortia
18 that involve any four-year public or independent college or
19 university in accordance with RCW 28B.77.080;

20 (20) Shall perform any other duties and responsibilities imposed
21 by law or rule of the state board; and

22 (21) May confer honorary associate of arts degrees upon persons
23 who request an honorary degree if they were students at the college
24 in 1942 and did not graduate because they were ordered into an
25 internment camp. The honorary degree may also be requested by a
26 representative of deceased persons who meet these requirements. For
27 the purposes of this subsection, "internment camp" means a relocation
28 center to which persons were ordered evacuated by Presidential
29 Executive Order 9066, signed on February 19, 1942.

Passed by the House March 5, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 27, 2018, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1,
Engrossed House Bill No. 1237 entitled:

"AN ACT Relating to modifying collective bargaining law to
authorize providing additional compensation to academic employees at
community and technical colleges."

Engrossed House Bill 1237 authorizes boards of trustees of community
and technical colleges to use local funds, such as tuition, to

provide salary increases that exceed the amount established by the Legislature. This is an important step in ensuring that faculty and staff at community and technical colleges are fairly compensated. Section 1 of this bill is an intent section, but addresses decisions that are budgetary in nature and should be dealt with in future budget processes. For this reason, I have vetoed section 1 of this bill.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 1237.

With the exception of Section 1, Engrossed House Bill No. 1237 is approved."

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